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Regulations

TITLE 7—AGRICULTURE

Chapter IV—War Food Administration (Crop Insurance)

PART 417—1945 TOBACCO CROP INSURANCE REGULATIONS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture and the War Food Administration administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, and in order to determine the most practical plan, terms, and conditions of insurance with respect to tobacco, these regulations are hereby published and prescribed to be in force and effect, with respect to a trial insurance program on the 1945 tobacco crop, until amended or suspended by regulations hereafter made.

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MANNER OF OBTAINING INSURANCE

§ 417.1 *Availability of tobacco crop insurance.* (a) Tobacco crop insurance will be offered in 1945 in accordance with the regulations in this part in not to exceed twenty counties, which shall be selected by the Board of Directors of the Corporation as representative of the several areas where tobacco is normally produced. The kinds of tobacco on which insurance will be offered and the counties selected by the Board of Directors will be announced by amendment to the regulations in this part. Such insurance will be offered on the basis of (1) not to exceed 75 percent of the investment in the crop and (2) not to exceed 75 percent of the average yield of average quality tobacco for the farm. The Corporation may offer both plans of insurance in the county but the producer may insure his interest in the crop under only one such plan.

(b) Insurance will not be provided in any county unless written applications for insurance on crops authorized to be insured are filed covering at least fifty farms, or one-third of the farms normally producing these crops.

§ 417.2 *Application for insurance.* Application for insurance, on a form prescribed by the Corporation, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper, in a tobacco crop to be grown in 1945. An application shall cover the applicant's interest in the tobacco crop on all insurance units located, or considered for crop insurance purposes to be located, in the county, in which the applicant has an interest at the beginning of planting. Applications shall be submitted to the office of the county association on or before the applicable closing date established by the Corporation for the county in which the insurance unit(s) is located.

§ 417.3 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the insurance contract shall be in effect, *Provided*, Such application is submitted in accordance with the provisions of the application and of the regulations in this part, including any amendments thereto. The applicant's copy of the accepted application shall be mailed to him.

(b) The Corporation reserves the right to reject any application for insurance with respect to any one or more of the insurance units covered by the application, or to limit the insurance on the applicant's interest in any insurance unit covered by the application.

INSURANCE COVERAGE

§ 417.4 *Insurance period.* Insurance with respect to any insurance unit shall attach at the time the crop is planted, except that insurance shall not attach with respect to any acreage put to another use before it is too late to replant tobacco, as determined by the Corporation. Insurance shall cease with respect to that portion of the crop upon weighing in at the tobacco auction warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit except for curing or packing purposes, or the end of the 1945 marketing season as determined by the Corporation, whichever occurs first.

§ 417.5 *Maximum amount of insurance coverage.* (a) The maximum amount of insurance coverage for investment insurance for each insurance unit under the contract shall be the product of (1) the insured acreage, (2) 75 percent of the investment cost per acre (rounded downward to the nearest dollar) as determined by the Corporation pursuant to § 417.30 hereof, and (3) the insured interest in the crop at the beginning of planting. If more than one investment cost per acre has been established for the insurance unit, the maximum amount of insurance coverage shall be computed separately, using the applicable acreage for each investment cost per acre, and the total of such computed amounts shall be the maximum amount of insurance coverage for investment insurance for the insurance unit. The maximum amount of insurance coverage shall not exceed 75 percent of the fair market value of the average yield for the farm, as determined by the Corporation.

(b) The maximum amount of insurance coverage for yield-quality insurance for each insurance unit under the contract shall be the product of (1) the insured acreage, (2) 75 percent of the aver-

age yield, (3) the market price adjusted for the average quality of tobacco normally produced on the insurance unit, as reflected by the price received therefor, and (4) the insured interest in the crop at the beginning of planting. If more than one average yield or average quality has been established for the insurance unit, the maximum amount of insurance coverage shall be computed separately, using the applicable acreage for each yield or quality, and the total of such computed amounts shall be the maximum amount of insurance coverage for yield-quality insurance for the insurance unit.

§ 417.6 *Amount of insurance coverage at the various stages of production.* The amount of insurance coverage (under either investment or yield-quality insurance) for each insurance unit at the various stages of production shall be as follows:

(a) 45 percent of the maximum amount of insurance coverage on the acreage released by the Corporation, if the damage occurs after it is too late to replant tobacco, as determined by the Corporation;

(b) 90 percent of the maximum amount of insurance coverage on the acreage on which the tobacco is destroyed or substantially destroyed after the beginning of harvest but prior to the beginning of grading; and

(c) 100 percent of the maximum amount of insurance coverage on the acreage on which the tobacco is harvested and cured and grading has begun.

§ 417.7 *Causes of loss insured against.* The insurance contract shall cover loss of tobacco due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation.

§ 417.8 *Causes of loss not insured against.* The contract shall not cover loss caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand; nor shall it cover losses caused by theft, domestic animals, failure properly to prepare the land for planting, or properly to plant, care for, harvest, or cure the insured crop, including any loss due to breakdown of machinery or equipment, or by failure to replant the tobacco in areas and under circumstances where the Corporation determines it is customary to replant. The contract also shall not cover loss caused by planting tobacco on land of poorer average quality than the average quality of land used in establishing the amount of insurance coverage and premium rate, following a fertilizer or other practice different from that considered in establishing the amount of insurance coverage and premium rate, or planting tobacco under conditions of immediate hazard without adjustment of the amount of insurance coverage and premium rate; nor shall it cover loss due to planting tobacco on a portion of the insurance unit where the farming hazards differ materially from the farming hazards for the acreage considered in establishing the amount of insurance coverage and premium rate for such unit. Likewise, the contract shall not cover loss caused by inability to obtain labor, fertilizer, machinery, repairs, or insect poisons, as a result of war or other conditions.

PREMIUM FOR INSURANCE CONTRACT

§ 417.9 *Amount of premium.* The premium for each insurance unit under the contract shall be determined by multiplying the insured acreage of tobacco for the insurance unit by the premium rate per acre (dollars in the case of investment insurance and pounds of average quality tobacco in the case of yield-quality insurance) and by the insured interest in the crop at the beginning of planting. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the insurance contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to each insurance unit shall be regarded as earned when the tobacco crop on the insurance unit is planted, except that no premium shall be regarded as earned on any acreage put to another use before it is too late to replant tobacco, as determined by the Corporation. The minimum premium payable by the insured with respect to any insurance contract shall be three dollars or, in the case of yield-quality insurance, a number of whole pounds of tobacco the cash equivalent of which approximates three dollars.

§ 417.10 *Manner of payment of premium.* (a) Each applicant for insurance shall sign a note in the form and manner prescribed by the Corporation. Such note shall represent a promise to pay the Corporation the total premium for all insurance units covered by the insurance contract and shall be payable on or before the maturity date specified in § 417.44 hereof. Such note shall bear interest after maturity at the rate of one-half of one percent for each calendar month or fraction thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(b) Payment on any such note may be made in cash only. Any such payment made before maturity shall be credited on the note. If the amount so paid and credited is in excess of the premium on the maturity date of the note, such excess shall be refunded in accordance with §§ 417.27, 417.28 and 417.29 hereof. The amount of any note for yield-quality insurance due at maturity shall be the cash equivalent of the premium based on the cash equivalent market price per pound determined by the Corporation.

(c) Any unpaid amount of any premium note (either before or after the date of maturity) may be deducted from any indemnity payable under the contract, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture or the War Food Administration. Where any such deduction is made before the date of maturity of any note for yield-quality insurance, the cash equivalent of the deduction will be based on the cash equivalent price used in computing the indemnity payment or the cash equivalent price determined by the Corporation for the day the county committee approves such loan or other payment.

(d) Payments in cash shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

LOSS

§ 417.11 *Notice of loss or damage of tobacco crop.* Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation at the office of the county association immediately after any material damage to the insured crop and before the crop is harvested, sold, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

§ 417.12 *Released acreage.* Any insured acreage on which the tobacco crop has been destroyed or substantially destroyed may be put to another use only with the consent of the Corporation, subject to an appraisal by the Corporation of the cash returns that would be realized if the damaged crop remained for harvest. No acreage planted to tobacco shall be considered as put to another use as long as any tobacco on such acreage is remaining for harvest. On any acreage where the tobacco has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

§ 417.13 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of weighing in of the insured crop at the tobacco auction warehouse, or removal of the insured crop from the insurance unit except for curing or packing purposes, or the end of the 1945 marketing season as determined by the Corporation, whichever occurs first, unless the Corporation determines that the tobacco crop was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date so determined by the Corporation. The tobacco crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area, where the farm is located and on whose farms similar damage occurred, would not further

care for the crop or harvest any portion thereof.

§ 417.14 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a form and in the manner prescribed by the Corporation, a statement in proof of loss containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the insurance contract during the term of the contract, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 417.15 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of insurance coverage under the contract for such insurance unit, less (1) the cash returns from the insured interest in the tobacco harvested from the insurance unit and sold on the auction warehouse floor, (2) the fair market value, as determined by the Corporation, of the insured interest in the tobacco harvested from the insurance unit and not sold on the auction warehouse floor, and (3) the appraised cash value of the insured interest in the tobacco on the insurance unit not harvested: *Provided, however* That if all or any part of the loss is due to causes not insured against, such amount shall be reduced by the cash value of the insured interest under the contract in the tobacco which the Corporation determines was lost from such causes: *Provided, further* That if the planted acreage on the insurace unit exceeds the insured acreage on such unit, as determined by the corporation, the loss for which indemnity will be payable shall be computed by prorating the cash returns (actual or appraised) from the tobacco produced on the planted acreage to determine the cash returns applicable to tobacco produced on the insured acreage.

(b) Where the insured fails to establish and maintain separate records of acreage or production for the component parts of a combination of two or more insurance units or portions thereof, the insurance contract may be voided by the Corporation and the premium forfeited by the insured: *Provided, however* That if all the component parts of the combination are insured the total amount of insurance coverage for the component parts shall be considered as the amount of insurance coverage for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section.

PAYMENT OF INDEMNITY

§ 417.16 *When indemnity payable.* (a) The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the insurance contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

(b) The Corporation shall provide for the posting in each county at the county courthouse of a list of indemnities paid for losses on the 1945 tobacco crop on farms in the county.

§ 417.17 *Indemnity payment.* (a) Any indemnity due under the insurance contract shall be paid by the issuance of a check payable to the order of the person(s) entitled to such payment under the provisions of the regulations in this part.

(b) Any indemnity payable under an insurance contract shall be paid to the insured, his beneficiary, or such other person as may be entitled to the benefits of the insurance contract under the provisions of the regulations in this part, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid, to any person other than the insured, his beneficiary (designated by him in such form and manner as the Corporation may prescribe) or other person entitled to the benefits of the insurance contract, any indemnity payable in accordance with the provisions of the insurance contract. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

§ 417.18 *Other insurance.* (a) If the insured has or acquires any other insurance against fire on the crop, or portion thereof, covered by the insurance contract, regardless of whether such other insurance is valid or collectible, the Corporation shall only be liable, in the event of a loss due to such risk, for the smaller of either (1) the amount of the insurance coverage under the contract or (2) the amount by which the loss from such risk exceeds the indemnity paid or payable under such other insurance.

(b) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(c) In any case where an indemnity is paid to the insured by another Government agency because of damage to the tobacco crop, the Corporation reserves the right to determine its liability under the insurance contract taking into consideration the amount paid by such other agency.

§ 417.19 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 417.20 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of the regulations in this part.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 417.21 *Indemnities subject to all provisions of insurance contract.* Indemnities payable to any person shall be subject to all provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the earned premium or any other obligation of the insured to the Corporation: *Provided, however* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium due on the insurance unit or units involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured as a result of a transfer, or otherwise, shall be subject to any collateral assignment of the insurance contract by the original insured.

§ 417.22 *Collateral assignment of right under insurance contract.* The right to an indemnity under an insurance contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form prescribed by the Corporation and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the insurance contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (1) payment of any indemnity will be subject to all conditions and provisions of the insurance contract (including any deductions authorized under § 417.21 hereof) and (2) payment of the indemnity may be made by check payable

jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the right to an indemnity under the insurance contract may be made.

§ 417.23 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a tobacco crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association. The transferee under such a transfer shall be entitled to the benefits of the insurance contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 417.22 hereof: *Provided, however* That an involuntary transfer of an insured interest in a tobacco crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the insurance contract: *Provided, further* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the insurance contract.

§ 417.24 *Death, incompetence, or disappearance of insured.* (a) If no beneficiary has been designated by the insured (or if designated, is ineligible or unavailable) and if the insured dies, is judicially declared incompetent, or disappears, before the time of loss or the time harvest is commenced, whichever occurs first, and his insured interest in a tobacco crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however* That if the amount of the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If no beneficiary has been designated by the insured (or if designated, is ineligible or unavailable) and the insured dies, is judicially declared incompetent, or disappears before the time harvest is commenced or the time of loss, whichever occurs first, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 417.23 hereof.

(c) If a beneficiary has been named by the insured and if the insured dies, is judicially declared incompetent, or disappears, payment of any indemnity to which the insured is entitled will be made to such beneficiary if eligible and available.

(d) If an applicant for insurance dies or is judicially declared incompetent before the tobacco crop intended to be covered by insurance is planted, whoever succeeds him on the farm with the right to produce the tobacco crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the office of the county association, within fifteen days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of planting, whichever is the earlier, a statement in writing, in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant arising out of such application. If no such statement is filed, as required by this paragraph, the original application shall be void and no insurance shall be in effect with respect to the tobacco crop covered thereby.

(e) The insured shall be deemed to have disappeared within the meaning of the regulations in this part if he fails to file with the county committee written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the address given in the statement in proof of loss or after such loss has been established otherwise, whichever is the earlier.

§ 417.25 *Fiduciaries.* Any indemnity payable under an insurance contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under the regulations in this part to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 417.26 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the tobacco crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared and has not designated a beneficiary or, if designated, such beneficiary is deceased or is otherwise unavailable or ineligible, payment in accordance with the provisions of the regulations in this part will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 417.27 *Refunds of excess note payments.* The Corporation shall not be required to make a refund of any excess payment made on account of a note until the acreage planted to tobacco on all insurance units covered by the insurance contract has been determined. In the case of a note for yield-quality insurance, the Corporation shall not be required to make such a refund until the acreage planted to tobacco on all such units and the market price of tobacco are determined.

There shall be no refund of an amount less than $1.00, with respect to payments made either before or after the maturity of the note, unless written request for such refund is received by the Corporation within one year after the date of maturity of the note.

§ 417.28 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract as security or any transfer of interest in any tobacco crop covered by the insurance contract. Refund of any excess note payment will be made only to the person who made such payment except as provided in § 417.29.

§ 417.29 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 417.24 with reference to the payment of indemnities in any such case shall be ap-

plicable with respect to the making of any such refund.

ESTABLISHMENT OF INVESTMENT COST, AVERAGE YIELDS, AVERAGE QUALITY, AND PREMIUM RATES

§ 417.30 *Determination of investment cost of tobacco per acre.* The Corporation shall establish the investment cost of tobacco per acre for all farms in each county, or in each area within such county, on the basis of the estimated average investment cost per acre of producing the tobacco crop, taking into consideration productivity, soil type, topography and farming practices. A record of the investment costs so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 417.31 *Determination of farm average yields of tobacco per acre.* The Corporation shall establish average yields of tobacco for farms on the basis of the recorded or appraised yields for a representative period of years and shall, where necessary, adjust such yields so that the average yields for farms in the same area which are subject to the same conditions shall be fair and just. A record of the average yields so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 417.32 *Determination of average quality of tobacco for the farm.* The Corporation shall establish the average quality of tobacco for farms on the basis of the recorded or appraised average price for a representative period of years. A record of the average quality so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 417.33 *Determination of premium rates per acre.* The Corporation shall establish premium rates for farms in amounts deemed adequate to cover claims for 1945 tobacco crop losses and to provide a reasonable reserve against unforeseen losses. A record of the premium rates so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 417.34 *Investment cost, average yields, and premium rates where farm varies widely in productivity or farming hazards or where tracts of the farm are widely separated.* If the land comprising any farm consists of tracts varying widely in cost of production, productivity, topography, or farming hazards, or if tracts of the farm are widely separated, separate investment costs, average yields, and premium rates may be established by the Corporation for such tracts.

§ 417.35 *Investment cost, average yields, average quality and premium rates for fractional parts of a farm and for farms which are combined or divided after investment cost, average yields, average quality, and premium rates are established.* (a) The investment cost, average yield, average quality, and premium rate for a fractional part of a farm which is to be insured as a separate insurance unit shall be the same as those established for the entire acreage considered in establishing such investment cost, average yield, average quality, and premium rate, except as provided in § 417.34.

(b) Where due to combinations of insurance units after investment costs, average yields, average quality, and premium rates applicable to the component parts of the combination have been approved by the Corporation, and determination of the acreage planted to tobacco on such component parts is not feasible or practical, investment costs, average yields, average quality, and premium rates for the acreage comprising such combinations may be established by the Corporation, provided the combination was effected before the planting of any tobacco on the combination. Such determinations shall be based upon the investment cost, average yield, average quality, and premium rate for farms similar in acreage, farming practices, topography, and farming hazards, taking into consideration the investment costs, average yields, average qualities, and premium rates for the original farms.

§ 417.36 *Investment cost and yield and rate appeals.* An applicant may appeal for a change in the investment cost and in yield and premium rate established under the regulations in this part with respect to any insurance unit, in accordance with instructions issued by the Corporation.

GENERAL

§ 417.37 *Meaning of terms.* For the purpose of the 1945 Tobacco Crop Insurance Program, the term:

(a) "Average quality" means the ratio which the recorded or appraised average price of tobacco for the farm for a representative period of years bears to the recorded average price of tobacco for such period of years for the belt in which the farm is located.

(b) "Average yield" means the average yield of tobacco per acre established by the Corporation for each insurance unit.

(c) "Corporation" means the Federal Crop Insurance Corporation.

(d) "Crop year" means the period within which the tobacco crop is planted and normally harvested.

(e) "County association" means the county agricultural conservation association in the county.

(f) "County committee" means the county agricultural conservation committee for the county.

(g) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops: *Provided, however* That for the purpose of determining the minimum participation for a crop insurance program in any county, the term "farm" means that acreage of land which constitutes an insurance unit.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located. In addition, a farm shall be considered to be located in a county for crop insurance purposes if it is listed on the crop insurance listing sheets for such county.

(h) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and the regulations in this part and any amendments thereto.

(i) "Insured acreage" means either the acreage reported by the insured as planted to tobacco on the insurance unit, or the acreage determined by the Corporation as actually planted thereon, whichever the Corporation shall elect: *Provided, however* That such acreage shall not exceed the 1945 tobacco acreage allotment established for the farm under the Agricultural Adjustment Act of 1938, as amended. Any acreage planted to tobacco on the insurance unit which is put to another use before it is too late to replant tobacco, as determined by the Corporation, shall not be considered insured acreage.

(j) "Insured interest" means either the insured's reported interest in the crop at the time of planting, or the interest which the Corporation determines as the insured's actual interest at the time of planting, whichever the Corporation shall elect, except that for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the beginning of harvest or the time of loss, whichever occurs first.

(k) "Insurance unit" means all or that portion, as the case may be, of the farm (considered for the purpose of establishing the investment cost, average quality, average yield, and premium rate) in which the insured has an interest as a tobacco producer at the beginning of planting, except that when separate investment costs, yields and rates have been established for widely separated parts of such land, such portions of the land shall constitute separate insurance units.

(l) "Market price" means the net average price of tobacco as determined by the Corporation, during the first five days of auction sales for the belt or areas, adjusted, where applicable, for normal trend, or, if the tobacco is not sold on an auction market, the "market

price" shall be that price determined by the Corporation.

(m) "Maximum amount of insurance coverage" means, in the case of investment insurance, a cash amount not to exceed 75 percent of the investment in the crop based on the cost, as determined by the Corporation, of producing, harvesting, and marketing the crop, but not to exceed 75 percent of the fair market value of the average yield per acre for the farm, as determined by the Corporation; and, in the case of yield-quality insurance, a cash amount equal to 75 percent of the average yield times the market price adjusted for the average quality of tobacco normally produced on the insurance unit, as reflected by the price received therefor.

(n) "Operator" means a person who as landlord or cash tenant, or standing-rent or fixed-rent tenant, is operating a farm, or who as a share tenant is operating a whole farm.

(o) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a State, or political subdivision of a State, or any agency thereof.

(p) "Planting" means transplanting the tobacco plant from the plant bed to the field.

(q) "Premium rate" means the premium rate per acre established by the Corporation.

(r) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the tobacco crop thereon or of the proceeds therefrom.

(s) "State committee" means the State Agricultural Conservation Committee for the State.

(t) "State Director" means the representative of the Corporation in the operation of the crop insurance program in the State.

(u) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), and is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.

§ 417.38 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the insurance contract, the insured shall keep or cause to be kept for one year after the time of loss records of the harvesting sale or other disposition of all tobacco produced on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation and as often as may reasonably be required any person or persons designated by the Corporation shall have access to the farm (See § 417.15 hereof.)

§ 417.39 *Review of determinations of county and State committees.* Any determination by a county or State committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 417.40 *Applicant's waranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data, and representations submitted by him in connection with the insurance contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The insurance contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the tobacco crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the tobacco crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note at the time and in the manner prescribed.

§ 417.41 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation on knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of the insurance contract or to estop the corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 417.42 *Fractional units in acres and yields.* Fractions of yields per acre and premium rates shall be rounded to the nearest pound and fractions of cents shall be rounded to the nearest cent. Fractions of acres representing total acres of tobacco shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 6, 7, 8, or 9, the rounding shall be upward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.

§ 417.43 *Closing dates for submission of applications.* The closing dates established by the Corporation for the submission of applications to the office of the county association shall be the date of the beginning of planting of the tobacco crop on any insurance unit covered by the application, or the following applicable date, whichever is earlier.

Georgia. March 26, 1945.
South Carolina. April 10, 1945.
North Carolina. April 16, 1945.
Virginia. April 21, 1945.
Kentucky. May 1, 1945.
Tennessee. May 1, 1945.

§ 417.44 *Maturity dates for premium notes.* The maturity dates for the tobacco crop insurance premium notes shall be as follows:

Georgia. August 6, 1945.
South Carolina. August 13, 1945.
North Carolina. September 1, 1945, for Eastern Belt; September 22, 1945, for Middle and Old Belts.
Virginia. September 22, 1945.
Kentucky. December 15, 1945.
Tennessee. December 15, 1945.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on February 16, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: March 2, 1945.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 45-3335; Filed, Mar. 2, 1945; 11:43 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 8, Amdt. 7]

PART 1401—DAIRY PRODUCTS

FROZEN DAIRY FOODS AND MIX

War Food Order No. 8 (8 F.R. 953) as amended (8 F.R. 12163, 9 F.R. 4321, 4319, 4735, 5767, 9584, 10 F.R. 103) is further amended to read as follows:

§ 1401.31 *Frozen dairy foods and mix, limitations with respect to the production thereof*—(a) *Definitions.* (1) "Processor" means any person engaged in the manufacture of frozen dairy foods or mix.

(2) "Frozen dairy foods" means any frozen or partially frozen food products (including ice cream, French ice cream, ice milks, milk ices, frozen custards, sherbets, and other similar preparations) containing milk fat and sugar, together with stabilizers, extracts, fruits, nuts, coloring, or flavoring materials.

(3) "Mix" means any liquid or dried unfrozen preparation (including ice cream mix, ice cream powders, milk ice mix, ice milk mix, milk shake mix, and other similar preparations) containing milk fat and sugar, that is used directly in the freezing of a frozen dairy food.

(4) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(5) "Governmental agency" means (i) the Armed Services of the United States with respect to purchases made with funds appropriated by Act of Congress; (ii) the United States Army Exchange Service and post exchanges, excluding

purchases made for use in service clubs, officers' clubs, non-commissioned officers' clubs, post restaurants as defined in Army Regulation 210–100, post messes for civilian employees as defined in Army Regulation 210–60, and similar activities which are not owned and operated by the Exchange Service; (iii) United States Marine Corps post exchanges; (iv) War Shipping Administration; (v) United States Navy ships' service departments; (vi) Veterans Administration; (vii) contract schools, maritime academies, and marine hospitals as defined in War Food Order No. 73 (8 F.R. 7523) as amended (8 F.R. 13879, 15655, 9 F.R. 4321, 4319, 10036, 13741, 10 F.R. 103) (viii) licensed ship suppliers as defined in War Food Order No. 74 (8 F.R. 13880) as amended (8 F.R. 15655, 9 F.R. 4321, 4319, 8002, 10 F.R. 103), (ix) American Red Cross, if the frozen dairy foods and mix purchased by it are to be used by mobile units of the American Red Cross overseas for distribution to members of the United States Armed Forces; and (x) any other instrumentality or agency designated by the War Food Administrator.

(6) "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(7) "Director" means the Director of Marketing Services, War Food Administration.

(8) "Base period" means the period from December 1, 1941, to November 30, 1942, both dates inclusive.

(9) "Quota period" means any calendar month.

(10) "Dairy and Poultry Branch Field Representative" means the person in charge of the appropriate field office of the Dairy and Poultry Branch, Office of Marketing Services, as follows:

(i) For the States of California, Washington, Oregon, Nevada, Arizona, Wyoming, Utah, Idaho, and Montana:

Western Field Office
Dairy and Poultry Branch
Office of Marketing Services
821 Market Street
San Francisco, California.

(ii) For the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Texas, and Oklahoma:

Southwest Field Office
Dairy and Poultry Branch
Office of Marketing Services
425 Wilson Building
Dallas, Texas.

(iii) For the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Southern Field Office
Dairy and Poultry Branch
Office of Marketing Services
Western Union Building
Atlanta, Georgia.

(iv) For the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin:

Midwest Field Office
Dairy and Poultry Branch
Office of Marketing Services
5 South Wabash Avenue
Chicago, Illinois.

(v) For the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Northeast Field Office
Dairy and Poultry Branch
Office of Marketing Services
150 Broadway
New York, New York.

(b) *Restrictions on production of frozen dairy foods and mix.* No processor may, during any quota period, utilize in the production of frozen dairy foods or mix more than 65 percent of the total milk fat used by the respective processor in the production of such products, respectively, during the corresponding month of the base period, exclusive of all such products delivered to a governmental agency by such processor during such base period.

(c) *Conversion of milk solids to milk fat.* (1) With respect to any authorization granted to a processor under War Food Order No. 8, as amended, prior to the effective time of the provisions hereof, such processor shall, for the quota periods covered by the letter of authorization, determine the amount of milk fat to which he shall apply the percentage specified in (b) hereof by applying 55 percent to the amount of total milk solids set forth in his letter of authorization.

(2) With respect to a processor who has agreed or has been required to compensate for excessive utilization of total milk solids under War Food Order No. 8, as amended, prior to the effective date of the provisions hereof, such processor shall, until the expiration of the period of time required for the complete compensation for such excessive utilization of total milk solids, determine the amount of milk fat which he shall deduct from his permissible quotas by applying 55 percent to the amount of milk solids which he has agreed or has been required to deduct.

(3) With respect to a processor who has not included in his report in Form FDO–8–1 the number of pounds of milk fat utilized by such processor during the base period in the production of frozen dairy foods and mix for civilians, the milk fat quotas of such processor shall be determined by applying the percentage in (b) hereof to 50 percent of the total milk solids reported by such processor as having been used by him during each month in the base period: *Provided,* That if such processor reports the number of pounds of milk fat utilized by him during the base period in the production of frozen dairy foods and mix for civilians, the milk fat quotas of such processor shall thereafter be determined pursuant to (b) hereof.

(d) *Governmental agency exemption.* Frozen dairy foods or mix delivered to a governmental agency shall be exempt from (b) hereof if the processor making such delivery maintains for at least two years, after the date of such delivery, the following certificate with respect to the respective delivery, such certificate being duly executed by the person to whom the delivery is made and with the appropriate information being inserted in the blank spaces:

The undersigned certifies and represents to the War Food Administrator that ____ gallons of frozen dairy foods or mix containing ____ pounds of milk fat have been delivered to _____, (Indicate specific name of receiving agency) a quota exempt agency as defined in (a) (5) of War Food Order No. 8, as amended, the terms of which order, as amended, are familiar to me; and the specific type of governmental agency receiving such frozen dairy foods or mix is indicated by a check mark opposite the name of such agency, as follows:

- ☐ Armed Services of the United States with respect to purchases made with funds appropriated by Act of Congress
- ☐ United States Army Exchange Service and post exchanges, excluding purchases made for use in service clubs, officers' clubs, non-commissioned officers' clubs, post restaurants as defined in Army Regulation 210–100, post messes for civilian employees as defined in Army Regulation 210–60, and similar activities which are not owned and operated by the Exchange Service
- ☐ United States Marine Corps post exchanges
- ☐ War Shipping Administration.
- ☐ United States Navy ships' service departments
- ☐ Veterans Administration
- ☐ Contract schools, maritime academies, and marine hospitals as defined in War Food Order No. 73, as amended
- ☐ Licensed ship suppliers as defined in War Food Order No. 74, as amended
- ☐ American Red Cross, if the frozen dairy foods and mix purchased by it are to be used by mobile units of the American Red Cross overseas for distribution to members of the United States Armed Forces
- ☐ Any other instrumentality or agency designated by the War Food Administrator

_____,
(Name)

_____ _____,
(Date) (Title)

(e) *Equitable distribution.* It is hereby declared to be the policy of the War Food Administration that every processor shall make equitable distribution among those persons supplied by such processor during the base period of the frozen dairy foods and mix manufactured by such processor. All processors shall observe such policy in selling or distributing the frozen dairy foods and mix which they process. In the event the Director finds that the distribution made by a processor in any particular instance is not equitable, the Director may prohibit the particular processor from making any further distribution of such frozen dairy foods and mix except such as may be specified by the Director as being equitable. Any failure to observe any such direction by the Director shall be a violation of this order.

(f) *Option with respect to multiple plant operations.* Upon approval by the Director of a written request by an operator having multiple plant operations, such plants shall be considered separately in the application of the provisions hereof: *Provided,* That any such processor shall promptly report to the Director any transfer of a milk solids quota from one plant to another plant. The foregoing report shall be submitted to the Dairy and Poultry Branch Field Representative for the area where such proc-

essor's main office is located during the first quota period affected by any such transfer. Such report shall be accompanied by a statement of the reasons for making such transfer.

(g) *Records and reports.* (1) Each processor who has not correctly completed Form FDO 8–1, entitled "Production Report of Frozen Dairy Foods and Mix," and filed such report with the Administrator, WFO 8, United States Department of Agriculture, Washington 25, D. C., shall correctly complete said Form FDO 8–1 and mail the completed form to the Dairy and Poultry Branch Field Representative for the respective region in which the processor's plant is located. The report shall be mailed to the Dairy and Poultry Branch Field Representative within 21 calendar days after the effective date hereof.

(2) Each processor who manufactures mix shall correctly complete and submit "Dairy Products Report No. 1" (i. e., USDA Form C. E. 9–119, revised) to the United States Department of Agriculture, P. O. Box 6910–A, Chicago, Illinois, except that a processor who used less than 5,000 pounds of milk solids in the manufacture of mix during the base period and who manufactures no other dairy product is exempted from this reporting requirement. The aforesaid report shall, for each plant of the processor, be submitted each calendar month not later than the close of the 10th day of the calendar month following the calendar month for which the report is intended.

(3) Each processor who manufactures mix shall correctly complete Form "Dairy Products Report No. 4—Ice Cream," for each calendar month during which the respective processor manufactures frozen dairy foods and mix, and shall, on or before the close of the 10th calendar day of the calendar month next succeeding the calendar month during which the processor manufactured frozen dairy foods and mix, mail such completed form to the United States Department of Agriculture P. O. Box 6910–A, Chicago, Illinois. This report shall be submitted for each plant of the processor.

(4) Each processor who purchases all of his mix shall correctly complete and submit "Dairy Products Report No. 5—Frozen Dairy Foods" for each calendar month during which the respective processor purchases mix, and shall, on or before the close of the 10th calendar day of the calendar month next succeeding the calendar month during which the respective processor purchased mix, mail such completed form to the United States Department of Agriculture, Division of Agricultural Statistics, Bureau of Agricultural Economics, Washington 25, D. C. The foregoing report shall be submitted for each plant of the processor.

(5) The Director shall be entitled to obtain such additional information from, and require such additional reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(6) Each person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in frozen dairy foods and mix.

(h) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of frozen dairy foods and mix of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the order administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 8, Dairy and Poultry Branch, Office of Marketing Services, War Food Administration, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The order administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the order administrator on the petition, he shall obtain, by requesting the order administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (i) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(j) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using frozen dairy foods and mix. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as order administrator.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, War Food Order No. 8, Dairy and Poultry Branch, Office of Marketing Services, War Food Administration, Washington 25, D. C.

(m) *Territorial scope.* This order shall apply only to the area included in the 48 States of the United States and the District of Columbia.

(n) *Certain Director's orders are terminated.* War Food Order No. 8.1 (8 F.R. 1330), issued on February 1, 1943, specifying the allocation periods, and War Food Order No. 8.2 (8 F.R. 15204) issued on November 4, 1943, and War Food Order No. 8.3 (9 F.R. 4675) issued on May 1, 1944, are hereby terminated.

(o) *Effective date.* The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 8, as amended, prior to the effective time of the provisions hereof or under War Food Order No. 8–1, War Food Order No. 8–2, or War Food Order No. 8–3 prior to the effective time of the provisions hereof, the provisions of said orders, in effect prior to the effective time hereof, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 28th day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-3336; Filed, Mar. 1, 1945; 12:11 p. m.]

[WFO 75-3, Amdt. 9]

PART 1410—LIVESTOCK AND MEATS

LARD SET ASIDE EXEMPTION

War Food Order No. 75–3, as amended (9 F.R. 12948, 14272, 10 F.R. 726, 773, 1955, 1993), is further amended by deleting paragraph (b) (7) and substituting in lieu thereof the following:

(7) A quantity of lard the total weight of which shall be not less than 7.5 percent of the total live weight of each week's slaughter of hogs, provided that until further order of the Director this requirement shall not be applicable to slaughterers located in the States of California, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, and West Virginia.

This order shall become effective at 12:01 a. m., e. w. t., March 4, 1945. With respect to violations, rights accrued, lia-

bilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 75, 8 F.R. 11119, 9 F.R. 4319)

Issued this 28th day of February 1945.

C. W KITCHEN,
Director of Marketing Services.

[F R. Doc. 45-3337; Filed, Mar. 1, 1945; 3:17 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3615]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CLAIROL, INC., ET AL.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported.* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.* In connection with the offering for sale, sale and distribution in commerce of respondent individuals' cosmetic preparation designated generally as "Clairol" and more specifically designated as "Instant Clairol" and "Progressive Clairol", or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, representing (1) that said preparations are not hair dyes; (2) that said preparations restore the natural or youthful color of the hair; (3) that the effect produced upon the color of the hair by the use of said preparations is permanent; (4) that said preparations supply nourishment to the hair; (5) that said preparations are made or compounded in France; (6) that the number of treatments of said preparations used by the public is greater than is the fact; or (7) that said preparation Instant Clairol is harmless or safe for use; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45i) [Modified cease and desist order, Clairol, Inc., et al., Docket 3615, January 25, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of January A. D. 1945.

In the Matter of Clairol Inc., a Corporation, and Joan Gelb, Leon A. Spilo, and Morris Gelb, Individuals

This proceeding coming on for further hearing before the Federal Trade Commission, and it appearing that on October 8, 1941, the Commission made its findings as to the facts herein and concluded therefrom that the respondents Joan Gelb, Leon A. Spilo and Morris Gelb had violated the provisions of Section 5 of the Federal Trade Commission Act and on October 8, 1941 issued and subsequently served its order to cease and desist upon said respondents; and it further appearing that on September 19, 1944, the United States Circuit Court of Appeals for the Second Circuit issued its decree modifying the aforesaid order in certain respects and affirming said order as therein modified:

Now therefore, pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this, its modified order to cease and desist in conformity with said decree:

It is ordered, That said individual respondents, Joan Gelb, Leon A. Spilo and Morris Gelb, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their cosmetic preparations designated generally as "Clairol" and more specifically designated as "Instant Clairol" and "Progressive Clairol" or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from:

(1) Representing that said preparations are not hair dyes;

(2) Representing that said preparations restore the natural or youthful color of the hair;

(3) Representing that the effect produced upon the color of the hair by the use of said preparations is permanent;

(4) Representing that said preparations supply nourishment to the hair;

(5) Representing that said preparations are made or compounded in France;

(6) Representing that the number of treatments of said preparations used by the public is greater than is the fact;

(7) Representing that said preparation Instant Clairol is harmless or safe for use.

It is further ordered, That said individual respondents shall, within thirty (30) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The corporate respondent, Clairol, Inc., having been dissolved; *It is further ordered,* That this proceeding be, and it hereby is, dismissed as to said corporate respondent.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-3344; Filed, Mar. 2, 1945; 10:04 a. m.]

[Docket No. 5040]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELI EGHAN, ETC.

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approval or awards:* § 3.66 (b) *Misbranding or mislabeling—Qualities or properties.* In connection with the offering for sale, sale and distribution in commerce, of respondent's solution designated "Ox'o" and respondent's gasoline designated "Ox'o-Gas", or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, representing, directly or by implication, (1) that respondent's products increase the combustion efficiency or power of an internal combustion engine or the mileage supplied by such engine; (2) that said products provide quicker starting or faster pickup; or (3) that said product Ox'o has been approved by major oil companies; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order Eli Eghan, etc., Docket 5040, January 23, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of January A. D. 1945.

In the Matter of Eli Eghan, an Individual Trading Under His Own Name and Also as Ox'o-Gas Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and briefs in support of and in opposition to the complaint (oral argument not having been requested) and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Eli Eghan, individually and trading as Ox'o-Gas Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's solution designated "Ox'o" and respondent's gasoline designated "Ox'o-Gas", or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from representing, directly or by implication:

1. That respondent's products increase the combustion efficiency or power of an

internal combustion engine or the mileage supplied by such engine.

2. That said products provide quicker starting or faster pickup.

3. That said product Ox'o has been approved by major oil companies.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 45-3343; Filed, Mar. 2, 1945; 10:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-723, Stay of Execution]

AMLING'S OF CALIFORNIA, INC.

Amling's of California, Inc., a corporation engaged as a wholesaler in the shipment of California flowers and floral items largely to dealers outside of California, but to some dealers also within the State, using corrugated box containers in such shipments has requested a stay on the ground that irreparable harm would be done its business if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy. In view of the foregoing, *It is hereby ordered,* That:

The provisions of Suspension Order No. S-723, issued February 19, 1945, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy.

Issued this 1st day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3340; Filed, Mar. 1, 1945; 4:27 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-724, Stay of Execution]

RICHARD IVES CO.

Richard Ives and Helen Ives, husband and wife, partners doing business as Richard Ives Company at 661 West Colfax Avenue, Denver, Colorado, as dealers in and distributors of metal working machinery, cutting tools, and accessories has requested a stay on the ground that irreparable harm would be done its business if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy. In view of the foregoing, *It is hereby ordered,* That:

The provisions of Suspension Order No. S-724, issued February 19, 1945 and effective March 1, 1945, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy.

Issued this 1st day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3341; Filed, Mar. 1, 1945; 4:27 p. m.]

PART 3270—CONTAINERS

[Limitation Order L-317, Interpretation 4]

LAUNDRY BOXES AND LAUNDRY SHELLS

The following interpretation is issued with respect to Limitation Order L-317:

The words "Laundry boxes and laundry shells" in Item d of Schedule I of Order L-317 mean those boxes and shells designed for use by commercial laundries. Paragraph (d) of that order prohibits a person from using solid fibre (.045 or heavier) or corrugated fibre to manufacture any container of the types listed in Schedule I of the order. The prohibited type of container listed as Item d of that schedule does not include those containers designed for use by individuals as "over-night bags" or for other personal uses such as shipping soiled clothes and similar articles.

Issued this 2d day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3376; Filed, Mar. 2, 1945; 11:12 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, as Amended Sept. 18, 1944, Amdt. 1]

SILVER

Section 3286.51 *Conservation Order M-199* is hereby amended by changing subdivision (ii) under item 2 of List C to read as follows:

(ii) Navy Department on orders or contracts placed by Bureau of Supplies and Accounts or on orders or contracts placed by Ship's Service Stores, or on orders or contracts placed by outlets authorized by the Bureau of Supplies and Accounts after March 2, 1945.

Issued this 2d day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3377; Filed, Mar. 2, 1945; 11:12 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-23-b, as Amended Mar. 2, 1945]

DOMESTIC ELECTRIC RANGES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.180 *Limitation Order L-23-b*—(a) *What this order does.* This order controls the manufacture and delivery of new domestic electric ranges. It provides for the resumption of production of these items on a limited basis.

(b) *Definitions.* For the purpose of this order:

(1) "New electric range" means any range or cooking stove designed primarily for home use having as functional parts electric heating elements of a total rated wattage of 2½ kilowatts or over, and which has never been used by a consumer.

(2) "Consumer" means any person who gets an electric range for installation or use, including a builder of a housing project.

(3) "Manufacturer" means any person who produces or assembles new electric ranges.

(4) [Deleted Dec. 11, 1944.]

(5) [Deleted Dec. 11, 1944.]

(6) "Special order" means any purchase order or contract calling for delivery to or for the account of the Army or Navy of the United States, the Veterans' Administration, the U. S. Maritime Commission, the War Shipping Administration, the Federal Public Housing Authority, the Home Owners' Loan Corporation acting for the National Housing Agency, or any purchase order or contract covered by an export license, release certificate, or Lend-Lease requisition approved or authorized by the Foreign Economic Administration.

(c) *Production of electric ranges.* (1) No person shall make any new electric ranges except in models and quantities specifically authorized by the War Production Board. Application should be made by filing Forms WPB-3700 and WPB-3820 with the field office of the War Production Board for the district in which the electric ranges will be made.

(2) The manufacture of new electric ranges will be authorized under this paragraph (c) (2) to meet approved War Production Board programs. In general, production will be authorized where it will not require materials, components, facilities or labor needed for war purposes and will not otherwise adversely affect or interfere with production for war purposes. Authorization will not be dependent upon the applicant's having been engaged in the production of electric ranges at some previous time. Upon request, the War Production Board will give notice to any manufacturer of the production authorized.

(3) When approved War Production Board programs have been met, additional production may be authorized in

accordance with Priorities Regulation 25. Such additional production will be authorized on applications filed under paragraph (c) (1) and applications should not be filed on Form WPB–4000.

(d) [Deleted Mar. 2, 1945.]

(e) *Restriction on production of parts.* No person shall make any parts for an electric range (including repair and replacement parts) if by making those parts he would have more parts of that type in his inventory than a three months' supply. A person, however, is not required to make less than a minimum practical run of any parts (including repair and replacement parts) in order to comply with the provisions of this paragraph.

(f) *WPB may direct distribution of ranges for specified purposes.* The War Production Board may direct a manufacturer as to the number of new electric ranges he may distribute for specified purposes such as housing projects, and may state the conditions under which he may sell and ship the electric ranges.

(g) *How new electric ranges may be sold to consumers.* No person may sell or deliver any new electric range to a consumer except in accordance with the rules stated below.

(1) Sales may be made to fill special orders.

(2) Sales may be made to a person who furnishes a certificate in substantially the following form:

I certify to the War Production Board and to the seller:

I own or occupy the premises at _____.

They have the inside and outside wiring needed for an electric range, and my electric company has told me that electric service for range operation will be supplied. I do not have any electric range for these premises which can be used or repaired.

_____
Signature of purchaser

(3) Sales may be made to fill orders for electric ranges to be installed in housing projects approved by the National Housing Agency or War Production Board under Preference Rating Order P–55–c if the purchaser endorses on his purchase order a statement substantially as follows:

This order is placed pursuant to authority granted under Order P–55–c. I have been authorized by the War Production Board or National Housing Agency to install these electric ranges in Project No. _____ located at _____.

_____

(4) [Deleted Dec. 11, 1944.]

(5) The standard certification provided for in paragraph (d) of Priorities Regulation 7 cannot be used in place of the certificates mentioned above. A seller may not sell to a person furnishing any of these certificates if he knows or has reason to believe that the facts stated are false.

(h) *Policy for distribution of ranges.* It is the policy of the War Production Board that each manufacturer shall distribute electric ranges through his normal distribution channels taking into consideration shipments to areas during 1941, migration of workers to certain areas, and such other factors as will provide equitable distribution to meet essential needs. This does not apply to electric ranges sold on special orders or for housing projects. The War Production Board may direct the distribution of specified quantities to any area from any manufacturer's production.

(i) *Preference ratings not valid for purchase of new electric ranges.* No preference rating lower than AAA shall be valid for the purchase of new electric ranges and orders bearing such preference ratings are to be treated as unrated orders.

(j) *Reports.* Every manufacturer making or shipping electric ranges shall file Form WPB–1600, executed in accordance with the instructions for filing that form, with the War Production Board, Washington 25, D. C., Ref: Order L–23–b, on or before the 10th day of each month.

(k) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in making electric ranges to a greater extent than this order does, the other order shall govern.

(l) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Exceptions and appeals.*

(1) [Deleted Dec. 11, 1944.]

(2) *Appeals.* Any appeals from the provisions of this order, other than paragraph (c), should be filed on Form WPB–1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the provisions of paragraph (c)

(n) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–23–b.

NOTE: The reporting and application requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

DOMESTIC ELECTRIC RANGES

Under Order L–23–b as amended December 11, 1944, new electric ranges may be sold to consumers who qualify under paragraphs (g) (2) or (g) (3) without obtaining authorization from the War Production Board. Persons who obtained electric ranges pursuant to an authorization of the War Production Board on Form WPB–1319 issued before May 25, 1944, may sell them under the above provisions if they are unable to use them for the purpose for which they were released. For example, if electric ranges were delivered to a dealer or builder pursuant to a WPB–1319 authorization for use in a specific housing project but cannot be used in that project, the dealer or builder may sell them to any "consumer" in accordance with paragraphs (g) (2) or (g) (3). (Issued Dec. 11, 1944.)

[F. R. Doc. 45–3375; Filed, Mar. 2, 1945; 11:12 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Reg. 9,[1] Amdt. 15]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Procedural Regulation No. 9 is amended in the following respect:

Section 1300.603 is amended by substituting the words "received in its office" for the word "brought"

This amendment shall become effective March 6, 1945.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 2d day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45–3370; Filed, Mar. 2, 1945; 10:45 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 45,[2] Amdt. 13]

SPHAGNUM AND PEAT MOSS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The item "sphagnum moss" in paragraph (a) (3) of § 1305.59 of Supplementary Order 45 is amended to read "sphagnum moss and peat moss."

This amendment shall become effective March 7, 1945.

Issued this 2d day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45–3363; Filed, Mar. 2, 1945; 10:44 a. m.]

[1] 7 F.R. 8796, 8 F.R. 856, 1838, 2030, 2594, 2941, 4350, 4929, 7381, 11480, 11806, 14211; 9 F.R. 1599, 4539.

[2] 8 F.R. 5529, 6627, 10980, 12659, 16115, 16115, 16198; 9 F.R. 5374, 7601, 7770, 13804, 14599.

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 194, Amdt. 1]

SALES OF IMPORTED COMMODITIES IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 19 (a) is amended by redesignating subparagraphs (5) (6) (7) (8) (9) (10) (11) (12) (13) and (14) as subparagraphs (6) (7) (8) (9) (10) (11) (12) (13) (14) and (15) respectively and by adding a new subparagraph (5) to read as follows:

(5) "Imported commodity" means any commodity transported into the Territory of Alaska from any place outside thereof and which is sold in substantially the same form in which it was originally received by the seller.

This amendment shall become effective as of February 28, 1945.

Issued this 2d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3368; Filed, Mar. 2, 1945; 10:45 a. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 560,[1] Amdt. 2]

NORTHERN WHITE CEDAR POLES AND PILING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 560 is amended to read as follows:

1. Section 15 (a) is amended to read as follows:

(a) *Permissible addition.* A maximum addition of 20% of the maximum prices specified in section 14, Table 1, may be made by all persons who have registered as Pole Distributors (provided this addition is only made once)

2. Section 15 (c) is amended to read as follows:

(c) *Registration.* Any person who fulfills the requirements of paragraph (b) above must file a request for registration with the Lumber Branch, Office of Price Administration, Washington, D. C., before March 31, 1945. The request must contain the following information:

(1) Copies of contracts with users or purchasers for resale or certified statement thereof totalling ten thousand Northern white cedar poles or piling which were completed during 1941 or 1942.

(2) A list of concentration yards owned or controlled by him and in operation during 1941 or 1942 showing the location and the railroad serving each yard.

[1] 9 F.R. 11650, 14676.

This amendment shall become effective March 2, 1945.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3369; Filed, Mar. 2, 1945; 10:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 50]

PARTS FOR PORTABLE LAMPS, LAMP SHADES AND LIGHTING FIXTURES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 188 is amended in the following respect:

Section 1499.166, Appendix A, is amended by adding the following articles to paragraph (b) (10) (xii)

Parts (except electrical) for portable lamps, lamp shades and residential lighting fixtures.

This amendment shall become effective on the 7th day of March 1945.

Issued this 2d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3366; Filed, Mar. 2, 1945; 10:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Amdt. 94]

SPORES OF MILKY DISEASE OF JAPANESE BEETLE LARVAE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 212 (s) is added to read as follows:

(s) Sales of spores of the milky disease of Japanese Beetle larvae as licensed by the United States Department of Agriculture under Patent No. 2,258,319, or related patents subsequently issued, except that the price charged for sales of the product to a retail seller shall be considered that retailer's "replacement cost" in the calculation of his maximum retail price under the provisions of MPR 144—Retail Prices of Agricultural Insecticides and Fungicides.

This amendment shall become effective March 7, 1945.

Issued this 2d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3364; Filed, Mar. 2, 1945; 10:44 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

SERVICE REQUIREMENTS

§ 2.1005 *Jurisdiction of rating board.* (a) The rating boards are vested with authority to determine questions of service connection of disability flowing from diseases and injuries, in cases in which the jurisdiction is temporarily or permanently vested in the field office concerned; to determine the true pre-war occupations of claimants; to determine the necessity for, type of, sufficiency of, and appropriate date of examinations and reexaminations, including hospitalization for observation, for rating purposes; to determine and to evaluate the disability resulting from each and from all such diseases and injuries and to determine whether any such disease or injury is due to the wilful misconduct or misconduct of the veteran, to determine the competency or incompetency of claimants in proper cases, to determine whether the veteran was insane at time of commission of offense resulting in discharge otherwise precluding entitlement to benefits, and to determine whether children of veterans are insane, idiotic or otherwise helpless by reason of mental or physical condition.

(b) The rating boards will have original jurisdiction to rate claims involving disability and death compensation or pension under the jurisdiction of the field office. (58 Stat. 284; 38 U.S.C. 693)

No change in (c) or (d).

§ 2.1122 *Jurisdiction in claims under section 31, Public No. 141, 73d Congress, and section 12, Public No. 866, 76th Congress.* Claims coming within the provisions of section 31, Public No. 141, 73d Congress, and section 12, Public No. 866, 76th Congress, will be forwarded together with the case files to central office for rating action by the central disability board, claims division, veterans claims service. After entitlement is established, it will not be necessary thereafter, to submit ratings under section 31, Public No. 141, 73d Congress, and section 12, Public No. 866, 76th Congress, to central office for confirmation of the evaluation of the disability or disabilities involved. Ratings prepared in field offices involving only the evaluation of such disabilities will be considered as final for purposes of appropriate award action. (58 Stat. 284; 38 U.S.C. 693)

PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION

JURISDICTION

§ 4.2025 *Jurisdiction of the Claims Division, central office.* * * *

No change in (a) (b) or (c)

(d) Where the veteran is a claimant for retirement under section 5, Public No. 18; 76th Congress, except:

(1) Where all service was after July 15, 1903, and prior to September 16, 1940.

(2) Where there was service on or after September 16, 1940, and there has

been filed a claim for education or training under Veterans Regulation No. 1 (a) Part VII, Title II, Public No. 346, 78th Congress, or it is determined a vocational handicap exists, and all claims for waiver of insurance premiums under the National Service Life Insurance Act or permanent and total benefits under United States Government life insurance have been adjudicated, regardless of any question relating to appeal period or appellate action.

(3) Where there was service on or after September 16, 1940, it has been determined that no vocational handicap exists and the appeal period has expired, or an appeal, if filed, has been finally determined.

(4) Following the initial adjudication of a claim comprehended in subparagraphs (1) (2) or (3) of this paragraph, and decentralization of such claim, the field office having jurisdiction thereover is authorized to complete all subsequent adjudication actions not requiring contact with the War Department relative to retirement—such as apportionments, adjustments under section 13, Public No. 144, 78th Congress, etc. Claims requiring contact with the War Department or where there is doubt as to the proper action, will be referred to the director, veterans claims service, central office, for appropriate action.

No change in (e)

(f) Claims under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress.

No change in (g)

(h) In cases under the jurisdiction of the division determination whether the veteran was insane at the time of commission of the offense resulting in discharge otherwise precluding entitlement benefits. (58 Stat. 284; 38 U. S. C. 693)

No change in (i) to (m) inclusive.

FRANK T. HINES,
Administrator

MARCH 3, 1945.

[F. R. Doc. 45-3383; Filed, Mar. 2, 1945; 11:13 a. m.]

PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION

AWARDS, AMENDMENTS, AND DISCONTINUANCES

§ 4.2141 *Fiduciary awards.* * * *

No change in (a) and (b)

(c) The pension due or becoming due any person who is a patient at St. Elizabeth's Hospital will be paid to a guardian of such person in accordance with the general practice applicable to the appointment and recognition of guardians. The pension payable under § 35.06 (f) as amended by section 13, Public No. 144, 78th Congress, to a veteran who has no wife, child or dependent parents, and who is a patient at St. Elizabeth's Hospital, will be paid through means of an institutional award if there be no guardian, following § 3.1276 of this chapter. Pension payable to dependents of veterans who are patients at St. Elizabeth's Hospital will be paid only to a guardian or conservator of such dependent, except that awards now being paid to the Superintendent thereof will be continued while such dependent remains a patient. (57 Stat. 554–560; 38 U.S.C. Ch. 12 note)

No change in (d)

PAYMENTS TO COMMANDING OFFICER OF A UNITED STATES NAVAL HOSPITAL

§ 4.2195 *Public Acts No. 2 and No. 141, 73d Congress and* § 35.01 [Canceled March 6, 1945.]

§ 4.2196 *Public No. 269, 74th Congress* [Canceled March 6, 1945.]

§ 4.2197 *Indian Wars, Civil War and Peace-Time Prior to April 21, 1898.* [Canceled March 6, 1945.]

FRANK T. HINES,
Administrator

MARCH 6, 1945.

[F. R. Doc. 45-3382; Filed, Mar. 2, 1945; 11:13 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4470, 4471, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 404, 463, 464, 367, 463a) and Executive Order 9083; dated February 28, 1942 (3 CFR, Cum. Supp.) the following amendments to regulations are prescribed:

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 61—FIRE APPARATUS: FIRE PREVENTION

Part 61 is amended by the addition of a new § 61.5a *Couplings on fire hose* to follow § 61.5 and this section reads as follows:

§ 61.5a *Couplings on fire hose.* The couplings on fire hose shall be of brass, copper, or composition material.

Section 61.12 is amended to read as follows:

§ 61.12 *Fire mains and hose connections.* All pipes used as mains for conducting water from fire pumps on steam vessels in place of hose shall be of steel, wrought iron, brass, or copper with wrought iron, brass, or composition hose connections.

Subchapter H—Great Lakes: General Rules and Regulations

PART 77—FIRE APPARATUS: FIRE PREVENTION

Section 77.12 is amended to read as follows:

§ 77.12 *Fire mains and hose connections.* (See § 61.12 of this chapter, as amended, which is identical with this section.)

Subchapter I—Bays, Sounds and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 95—FIRE APPARATUS: FIRE PREVENTION

Section 95.12 is amended to read as follows:

§ 95.12 *Fire mains and hose connections.* (See § 61.12 of this chapter, as amended, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 114—FIRE APPARATUS: FIRE PREVENTION

Section 114.14 is amended to read as follows:

§ 114.14 *Fire mains and hose connections.* (See § 61.12 of this chapter, as amended, which is identical with this section.)

Dated: March 1, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F R. Doc. 45-3372; Filed, Mar. 2, 1945; 11:06 a. m.]

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

LIFE FLOATS ON CERTAIN MARITIME COMMISSION CARGO VESSELS

Vessels engaged in business connected with the conduct of the war.

The Acting Secretary of the Navy having by order dated 1 October 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The United States Maritime Commission, Washington, D. C., having indicated that the efficient prosecution of the war would be impeded by the application to Maritime Commission vessels, design C1-M-AV1, Maritime Commission hulls 2563–2588, inclusive, and 2470–2473, inclusive, constructed by the Consolidated Shipbuilding Company of California, of certain vessel inspection regulations in 46 CFR, requiring at least two 15-person life floats on each vessel;

Now, therefore, upon request of the United States Maritime Commission, I hereby find it to be necessary in the conduct of the war that for vessels engaged in business connected with the conduct of the war there be waived compliance with the vessel inspection regulation in 46 C.F.R., Cum. Supp. 153.25, to the extent necessary to permit the omission of two life floats on Maritime Commission vessels, design C1-M-AV1, Maritime Commission hulls 2563–2588, inclusive, and 2470–2473, inclusive. This waiver shall remain in effect for each vessel for

a period of thirty days only after the certificate of inspection has been issued.

Dated: March 1, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-3373; Filed, Mar. 2, 1945; 11:06 a. m.]

Notices

DEPARTMENT OF THE NAVY.

YORK SAFE AND LOCK CO.

ORDER TERMINATING GOVERNMENT POSSESSION, USE AND OPERATION OF PLANTS AND FACILITIES

Pursuant to the authority vested in the Secretary of the Navy by Executive order of the President dated 28 February 1945, I direct that any and all possession, use and operation of the plants, facilities and other property of York Safe and Lock Co., York, Pa., held by the Government under Executive Order No. 9416 (10 F.R. 2423) at 12:01 a. m., Eastern War Time, on 1 March 1945, be terminated and relinquished at such time.

H. STRUVE HENSEL,
Acting Secretary of the Navy.

FEBRUARY 28, 1945.

[F R. Doc. 45-3326; Filed, Mar. 2, 1945; 11:22 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 880]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 10, 1945.

I hereby amend:

(a) Administrative Order No. 876, dated January 11, 1945, by reducing the allocation of $50,000 therein made for "Mississippi 5021F3 Coahoma" by $11,000, so that the reduced allocation shall be $39,000.

(b) Administrative Order No. 876, dated January 11, 1945, by reducing the allocation of $10,000 therein made for "New Mexico 5013A2 S. E." by $1,500, so that the reduced allocation shall be $8,500.

WILLIAM J. NEAL,
Acting Administrator

[F. R. Doc. 45-3378; Filed, Mar. 2, 1945; 11:13 a. m.]

[Administrative Order No. 881]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 17, 1945.

By virture of the authority vested in me by the provisions of section 4 of the Rural Electricification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Delaware 5002D4 Sussex	$15,000
Illinois 5018E3 Pike	85,000
Minnesota 5053D5 Wareca	35,000
Minnesota 5056C3 Crow Wing	25,000
Missouri 5041A4 Platte	25,000
Nebraska 5059B3 Butler District Public	15,000
New Mexico 5009D1 Curry	55,000
North Carolina 5046C2 Madison	156,526
North Carolina 5046G2 Madison	39,474
South Dakota 5020A1 Day	160,000
Utah 5006B2 Garfield	70,000

WILLIAM J. NEAL,
Acting Administrator

[F. R. Doc. 45-3379; Filed, Mar. 2, 1945; 11:13 a. m.]

[Administrative Order 882]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 20, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Texas 5076E1 Blanco	$30,000
Texas 5100E1 Washington	50,000

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45-3380; Filed, Mar. 2, 1945; 11:13 a. m.]

[Administrative Order 883]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 23, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
North Carolina 5063A1 Hyde	$1,000
North Carolina 5063G1 Hyde	37,650

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45-3381; Filed, Mar. 2, 1945; 11:13 a. m.]

DEPARTMENT OF LABOR.

Office of Secretary.

[WLD-53]

INDIANA RAILROAD

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Indiana Railroad, Indianapolis, Indiana; Case No. S-1661.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER on August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Indiana Railroad, Indianapolis, Indiana,

I find that the transportation of express parcels by motor vehicle by the Indiana Railroad pursuant to any contract, whether oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 28th day of February 1945.

FRANCES PERKINS,
Secretary of Labor

[F. R. Doc. 45-3387; Filed, Mar. 2, 1945; 11:46 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942, (7 F.R. 4724), as amended by Administrative Order March 13, 1943, (8 F.R. 3079), and Administrative Order, June 7, 1943, (8 F.R. 7630).

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982), as amended by Administrative Order, March 13, 1943, (8 F.R. 3079).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940, (5 F.R. 3748) and as further amended by Administrative Order March 13, 1943, (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3529), as amended by Administrative Order March 13, 1943, (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

The C. B. Cones & Son Manufacturing Company, 18-24 N. Senate Avenue, Indianapolis, Indiana; overalls, work shirts, work pants; 5 percent (T); effective February 21, 1945, expiring February 20, 1946.

Eagle Brothers, Mahanoy City, Pennsylvania; boys' and juvenile cotton shirts; 10 percent (T); effective March 1, 1945, expiring February 28, 1946.

Hamilton Carhartt Overall Company, Irvine, Kentucky; cotton work clothes, overalls, coveralls, coats, pants and caps; 10 percent (T); effective February 26, 1945, expiring February 25, 1946.

Helene Dress Company, 165 Water Street, Catskill, New York; dresses; 10 percent (T); effective February 26, 1945, expiring February 25, 1946.

S. Liebovitz & Sons, Inc., Cedar Street, Kutztown, Pennsylvania; men's plain and reversible zelan coats, summer sport shirts; 5 learners (T); effective February 25, 1945, expiring February 24, 1946.

Pioneer Manufacturing Company, 292 Lambert Street, N. W., Atlanta, Georgia; work clothing, shirts and pants; 10 percent (T); effective February 21, 1945, expiring February 20, 1946.

Shenandoah Manufacturing Company, Washington & Bower Streets, Shenandoah, Pennsylvania; ladies' and children's wash dresses and blouses; 10 percent (T); effective March 1, 1945, expiring February 28, 1946.

KNITTED WEAR INDUSTRY

H. L. Miller & Son, Port Carbon, Pennsylvania; men's and ladies' and children's cotton knit underwear; 5 percent (T); effective February 25, 1945, expiring February 24, 1946.

GLOVE INDUSTRY

Richmond Glove Corporation, 306 Salem Avenue West, Roanoke, Virginia; Army and Navy work gloves; 10 learners (AT); effective February 28, 1945, expiring August 27, 1945.

HOSIERY INDUSTRY

Cumberland Manufacturing Company, Inc., Crossville, Tennessee; full-fashioned hosiery; 14 learners (AT); effective February 24, 1945, expiring August 23, 1945.

B. C. & C. W. Mayo, Tarboro, North Carolina; seamless hosiery; 5 percent (T); effective February 28, 1945, expiring February 27, 1946.

Penderlea Manufacturing Company, Inc., Willard, North Carolina; full-fashioned hosiery; 20 learners (AT); effective February 24, 1945, expiring August 23, 1945.

Red House Manufacturing Company, Inc., Eleanor, West Virginia; full-fashioned hosiery; 17 learners (AT); effective February 24, 1945, expiring August 23, 1945.

Skyline Manufacturing Company, Inc., Scottsboro, Alabama; full-fashioned hosiery; 12 learners (AT); effective February 24, 1945, expiring August 23, 1945.

Homestead Manufacturing Company, Inc., Jasper, Alabama; full-fashioned hosiery; 13 learners (AT); effective February 24, 1945, expiring August 23, 1945.

TELEPHONE INDUSTRY

The Central Iowa Telephone Company, Forest City, Iowa; to employ learners as commercial switchboard operators at its Forest City, Iowa, exchange, located at K Street, Forest City, Iowa; effective February 23, 1945, expiring February 22, 1946.

The Farmers New Era Telephone Company, Richmond, Illinois; to employ learners as commercial switchboard operators at its Richmond, Illinois, exchange, located at Richmond, Illinois; effective February 24, 1945, expiring February 23, 1946.

The Florida Telephone Corporation, Winter Garden, Florida; to employ learners as commercial switchboard operators at its Winter Garden, Florida, exchange, located at Winter Garden, Florida; effective February 21, 1945, expiring February 20, 1946.

The Milledgeville Mutual Telephone Company, Milledgeville, Illinois; to employ learners as commercial switchboard operators at its Milledgeville, Illinois, exchange, located at Milledgeville, Illinois; effective February 22, 1945, expiring February 21, 1946.

The Ohio Standard Telephone Company, Forest, Ohio; to employ learners as commercial switchboard operators at its Forest, Ohio, exchange, located at Forest, Ohio; effective February 24, 1945, expiring February 23, 1946.

Signed at New York, New York, this 28th day of February 1945.

ISABEL FERGUSON,
Authorized Representative of the Administrator

[F. R. Doc. 45-3339; Filed, Mar. 1, 1945; 4:20 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-625]

METROPOLITAN EASTERN CORP.

NOTICE OF APPLICATION

MARCH 2, 1945.

Notice is hereby given that on February 22, 1945, an application was filed with the Federal Power Commission by Metropolitan Eastern Corporation (Applicant) a Delaware corporation having its principal offices in Wilmington, Delaware, and a branch office at Room 275, 50 Church Street, New York 7, New York, requesting a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of approximately 825 miles of 18-inch natural-gas transmission pipe line extending from the Carthage Field, Panola County, Texas, in a general northeasterly direction to Hamilton, Ohio. The proposed project includes a dehydration plant and five compressor stations having an aggregate of 25,600 horsepower.

The application states that the proposed initial capacity of the line will be 140 million cubic feet per day and that such line will be used to deliver natural gas to distributing companies in Ohio.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of March, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-3384; Filed, Mar. 2, 1945; 11:28 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4596]

NATIONAL COAT AND SUIT INDUSTRY RECOVERY BOARD, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1945.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authoried by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 2, 1945, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Hearing room, 23d Floor, 15 Broad Street, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F R. Doc. 45-3342; Filed, Mar. 2, 1945; 10:04 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 289]

EMBARGO OF CERTAIN SHIPMENTS IN REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of March, A. D. 1945.

It appearing, that L. D. Goldstein Fruit & Produce Company, Philadelphia, Pa., has persistently and is now indulging in the practice of holding loaded refrigerator cars an unreasonable time before unloading them; that the railroads have placed Embargo AAR #33 against the said company but they have disregarded the embargo; that such practices are impeding the use of regrigerator cars, thus contributing to the existing general shortage of such cars; in opinion of the Commission an emergency requiring immediate action exists at Philadelphia, Pa. It is ordered, that:

(a) *Certain shipments in refrigerator cars embargoed.* The Baltimore and Ohio Railroad Company, The Pennsylvania Railroad Company, Pennsylvania-Reading Seashore Lines and the Reading Company shall not accept from shippers

or connecting railroads a loaded refrigerator car or cars consigned or reconsigned direct to, or advise L. D. Goldstein Fruit & Produce Company, Philadelphia, Pa., nor shall said named carriers deliver or place for delivery such car or cars consigned or reconsigned direct to, or advise L. D. Goldstein Fruit & Produce Company, its agents or employees at any point or station within the Philadelphia trading area as defined in Philadelphia, Pa., Commercial Zone, 17 M. C. C. 533.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(c) *Effective date.* This order shall become effective at 12:01 a. m., March 2, 1945.

(d) *Expiration date.* This order shall expire at 11:59 p. m. June 2, 1945, unless modified, changed, suspended, or annulled by order of the Commission (40 Stat. 101, Secs. 402, 418, 41 Stat. 475, 485, Secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17))

It is further ordered, that copies of this order and direction shall be served upon the railroads specified in paragraph (a) hereof and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-3374; Filed, Mar. 2, 1945; 11:06 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4566]

SAISHIRO NAKANO

In re: Estate of Saishiro Nakano, deceased; File D-39-18332; E. T. sec. 12143; H-285.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Nakano (first name unknown) and heirs at law and next of kin, names unknown, of Saishiro Nakano, deceased, and each of them, in and to the Estate of Saishiro Nakano, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Mrs. Nakano (first name unknown), Japan.

Heirs at law and next of kin, names unknown, of Saishiro Nakano, deceased, Japan.

That such property is in the process of administration by Herman S. Hoeol, as Administrator of the Estate of Saishiro Nakano, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 29, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3348; Filed, Mar. 2, 1945; 10:32 a. m.]

[Vesting Order 4568]

KUYOZO OKANO

In re: Estate of Kuyozo Okano, deceased; File D-39-1511, E. T. sec. 12077; H-280:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Keizo Okano in and to the Estate of Kuyozo Okano, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Keizo Okano, Japan.

That such property is in the process of administration by A. S. Carvalho, as Statutory Administrator of the Estate of Kuyozo Okano, acting under the judicial supervision of the Circuit Court, Third Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 29, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3349; Filed, Mar. 2, 1945; 10:32 a. m.]

[Vesting Order 4573]

DENKICHI TOMINAGA

In re: Estate of Denkichi Tominaga, deceased; File D-39-18331; E. T. sec. 12026; H-273.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Nobu Tominaga and Ichiro Tominaga, and each of them, in and to the Estate of Denkichi Tominaga, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Mrs. Nobu Tominaga, Japan.
Ichiro Tominaga, Japan.

That such property is in the process of administration by A. S. Carvalho, as Statutory Administrator of the Estate of Denkichi Tominaga, acting under the judicial supervision of the Circuit Court, Third Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 29, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3350; Filed, Mar. 2, 1945; 10:32 a. m.]

[Vesting Order 4582]

CHARLES KRAUT

In re: Estate of Charles Kraut, deceased; File D-28-6573; E. T. sec. 4718.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elfriede Hammer, Rudolf Hammer, and heirs at law, names unknown, of Charles Kraut, deceased, and each of them, in and to the estate of Charles Kraut, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elfriede Hammer, Germany.
Rudolf Hammer, Germany.
Heirs at law, names unknown, of Charles Kraut, deceased, Germany.

That such property is in the process of administration by John T. Dempsey, 11 South LaSalle Street, Chicago, Illinois, as Administrator of the estate of Charles Kraut, deceased, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3351; Filed, Mar. 2, 1945; 10:33 a. m.]

[Vesting Order 4583]

MARY NIEHUS

In re: Estate of Mary Niehus, also known as Mary G. Niehus, deceased; File D-66-1783; E. T. sec. 10704.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Gead G. Siefken in and to the Estate of Mary Niehus, also known as Mary G. Niehus, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gead G. Siefken, Germany.

That such property is in the process of administration by J. R. Arnoldi as Executor of the Estate of Mary Niehus, also known as Mary G. Niehus, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3352; Filed, Mar. 2, 1945; 10:33 a. m.]

[Vesting Order 4584]

ERNEST W OELFCKEN

In re: Trust under the will of Ernest W Oelfcken, deceased; File D-28-2314; E. T. sec. 3435.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elizabeth R. Fuss, Carola Fuss and the issue, names unknown, of Elizabeth R. Fuss, in and to the estate of Ernest W. Oelfcken, Deceased, and in and to the trust estate created under the Will of Ernest W. Oelfcken, Deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elizabeth R. Fuss, Germany.
Carola Fuss, Germany.
The issue, names unknown, of Elizabeth R. Fuss, Germany.

That such property is in the process of administration by the Mississippi Valley Trust Company, 506 Olive Street, St. Louis, Missouri, as Executor and Trustee, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–3353; Filed, Mar. 2, 1945; 10:33 a. m.]

[Vesting Order 4585]

ADOLF ROLLER

In re: Trust under agreement with Adolf Roller dated July 14, 1938; File D–28–9315; E. T. sec. 1230.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Otto Roller, descendants of Otto Roller, names unknown, and descendants of Therese Bastbe, deceased, names unknown, and each of them, in and to the trust established under an agreement executed on July 14, 1938, between Adolf Roller, as Donor, and Alma D. Jones and Otto L. Fricke as Trustees,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Otto Roller, Germany.
Descendants of Otto Roller, names unknown, Germany.
Descendants of Therese Bastbe, deceased, names unknown, Germany.

That such property is in the process of administration by Otto L. Fricke, 830 Williamson Building, Cleveland, Ohio, as surviving cotrustee of the Trust under Agreement with Adolf Roller dated July 14, 1938, acting under the judicial supervision of the Common Pleas Court of Cuyahoga County, Ohio;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–3354; Filed, Mar. 2, 1945; 10:33 a. m.]

[Vesting Order 4594]

MARGARETHE E. CONRAD

In re: Estate of Margarethe E. Conrad, deceased; File No. D–28–4239; E. T. sec. 7258.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Kurt Staudt, Alex Staudt, Werner Staudt, Rudolph Staudt, Otto Staudt, Herta Hirsch and Lisbeth Kammer, and each of them, in and to the estate of Margarethe E. Conrad, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nations and Last Known Address

Kurt Staudt, Germany.
Alex Staudt, Germany.
Werner Staudt, Germany.
Rudolph Staudt, Germany.
Otto Staudt, Germany.
Herta Hirsch, Germany.
Lisbeth Kammer, Germany.

That such property is in the process of administration by Gertrude Schultze, Administratrix, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Prop-

erty Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–3355; Filed, Mar. 2, 1945; 10:33 a. m.]

[Vesting Order 4595]

ANNA A. HERRMANN VS. SEABOARD TRUST CO., ET AL.

In re: Anna A. Herrmann vs. Seaboard Trust Company, et al., File No. D–28–4012; E. T. sec. 6994.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Louise Kindsgrab and Henrich A. Kindsgrab, and each of them, in and to the Trust established by an Order of the Court of Chancery of New Jersey, dated May 29, 1941, and entered in a proceeding entitled Anna A. Herrmann vs. Seaboard Trust Company et al.,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louise Kindsgrab, Germany.
Henrich A. Kindsgrab, Germany.

That such property is in the process of administration by Henry Klie, Substituted Trustee, acting under the judicial supervision of the Court of Chancery of New Jersey, State House, Trenton, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany));

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–3356; Filed, Mar. 2, 1945; 10:33 a. m.]

[Vesting Order 4596]

KARL FRED HALLMAN

In re: Estate of Karl Fred Hallman, deceased; File No. D–28–4130; E. T. sec. 7124.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Karl Hallman, also known as Carl Hallman, Marie Hallman, Edward Hallman, Harry Hallman, Menna Hallman Gomann, Anna Hallman Werner, Augusta Hallman and Ella Hallman, and each of them, in and to the estate of Karl Fred Hallman, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Karl Hallman, also known as Carl Hallman, Germany.
Marie Hallman, Germany.
Edward Hallman, Germany.
Harry Hallman, Germany.
Menna Hallman Gomann, Germany.
Anna Hallman Werner, Germany.
Augusta Hallman, Germany.
Ella Hallman, Germany.

That such property is in the process of administration by Ora L. Wooster, Administrator, acting under the judicial supervision of the Camden County Orphans' Court, Camden, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–[illegible] Filed, Mar. 2, 1945; 10:[illegible] a. m.]

[Supp. Vesting Order 4597]

PAUL LUDWIG

In re: Estate of Paul Ludwig, deceased; File F–66–25; E. T. sec. 2012.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Town of Nordhausen, Town of Wolkramshausen and Town of Blankenburg am Harz, and each of them, in and to the Estate of Paul Ludwig, deceased,

is property payable or deliverable to, or claimed by, political subdivisions of a designated enemy country, Germany, namely,

Town of Nordhausen, Germany.
Town of Wolkramshausen, Germany.
Town of Blankenburg am Harz, Germany.

That such property is in the process of administration by Christopher Steinkamp, as administrator, c. t. a. of the Estate of Paul Ludwig, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending

further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. [illegible] Mar. 2, 1945;

[Vesting Order 4593]

EUGENE NACHBAUR

In re: Estate of Eugene Nachbaur, deceased; File No. D–28–9200; E. T. sec. 11952.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Knoblauch in and to the Estate of Eugene Nachbaur, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Knoblauch, Germany.

That such property is in the process of administration by Carolina Nachbaur, as Executrix of the Estate of Eugene Nachbaur, deceased, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 13, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–3359; Filed, Mar. 2, 1945; 10:34 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, 2d Rev. Order 1784]

NORTHLAND MANUFACTURING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Revised Order No. 1784 under § 1499.158 of Maximum Price Regulation No. 188, is redesignated Second Revised Order 1784 and is further revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation 188, *It is ordered:*

(a) The maximum net prices, f. o. b. Minneapolis, for sales by the Northland Manufacturing Company of the following sizes of heavy duty milk coolers shall be:

Item	Size (hp.)	On sales to distributors	On sales to dealers	On sales to consumers
2-can heavy duty model...	¼	$294.80	$329	$341
3-can heavy duty model...	⅓	329.20	369	399
4-can heavy duty model...	½	353.60	397	423

(b) The maximum net prices established in (a) above may be increased by the following amounts to each class of purchaser as a charge to cover cost of crating, when crating is actually supplied:

	Each
2-can heavy duty model cooler	$4.00
3-can heavy duty model cooler	6.00
4-can heavy duty model cooler	6.00

(c) The maximum net prices established under (a) and (b) above shall be subject to the following terms: 1 percent 10 days, 30 days net.

(d) The maximum net prices for sales by distributors of the following commodities manufactured by the Northland Manufacturing Company shall be:

Item	Size (hp.)	On sales to dealers	On sales to consumers
2-can heavy duty model milk cooler	¼	$329	$341
3-can heavy duty model milk cooler	⅓	369	399
4-can heavy duty model milk cooler	½	397	423

(e) The maximum net prices for sales by dealers to consumers of the following commodities manufactured by the Northland Manufacturing Company shall be:

2-can heavy duty model milk cooler, ¼ hp	$341.00
3-can heavy duty model milk cooler, ⅓ hp	399.00
4-can heavy duty model milk cooler, ½ hp	423.00

(f) The maximum net prices established by this Revised Order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(g) A distributor or dealer may add the following charges to the maximum prices established in (d) and (e) above:

1. The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

2. Crating charges actually paid to his supplier, but in no instance exceeding the following:

	Each
For 2-can coolers	$4.00
For 3-can coolers	6.00
For 4-can coolers	6.00

(h) Every person selling a commodity covered by this order, except dealers shall notify each of its purchasers, in writing, at or before the issuance of the first invoice, of the maximum price established by this Revised Order for each such seller as well as the maximum price established for each purchaser upon resale, including allowable transportation and crating charges.

(i) The Northland Manufacturing Company shall stencil, on the inside lining of the lid or cover of each milk cooler covered by this revised order, the maximum retail price established in paragraph (a) above. The stencil shall contain substantially the following:

OPA maximum retail price $_____ plus freight and crating provided for in OPA Second Revised Order No. 1784 of Maximum Price Regulation No. 188.

(j) This revised order may be revoked or amended by the Office of Price Administration at any time.

This revised order shall become effective March 2, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-3331; Filed, Mar. 1, 1945; 11:38 a.m.]

[MPR 188, Rev. Order 1855]

EDWARDS MILK COOLER CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 1855 under § 1499.158 of Maximum Price Regulation No. 188 is redesignated Revised Order No. 1855 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation 188, *It is ordered*.

(a) The maximum net prices, f. o. b. Minneapolis, for sales by the Edwards Milk Cooler Company of the following milk coolers shall be:

Item	Size (hp.)	On sales to distributors	On sales to dealers	On sales to consumers
2-can standard model	¼	$150.40	$188	$251
3-can standard model	⅓	163.20	204	272
4-can standard model	⅓	180.80	226	301
2-can heavy duty model	¼	204.80	256	341
3-can heavy duty model	⅓	239.20	299	399
4-can heavy duty model	⅓	253.60	317	423
2-can heavy duty de luxe model	¼	235.20	294	392
3-can heavy duty de luxe model	⅓	269.60	337	449
4-can heavy duty de luxe model	⅓	284.00	355	473

(b) The maximum net prices established in (a) above may be increased by the following amounts to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied.

	Each
2-can coolers	$4.00
3-can coolers	6.00
4-can coolers	6.00

(c) The maximum net prices established under (a) above shall be subject to the following terms: 1 percent 10 days, 30 days net.

(d) The maximum net prices for sales by distributors of the following commodities manufactured by the Edwards Milk Cooler Company shall be:

Item	Size (hp.)	On sales to dealers	On sales to consumers
2-can standard model	¼	$188	$251
3-can standard model	⅓	204	272
4-can standard model	⅓	226	301
2-can heavy duty model	¼	256	341
3-can heavy duty model	⅓	299	399
4-can heavy duty model	⅓	317	423
2-can heavy duty deluxe model	¼	294	392
3-can heavy duty deluxe model	⅓	337	449
4-can heavy duty deluxe model	⅓	355	473

(e) The maximum net prices for sales by dealers to consumers of the following commodities manufactured by the Edwards Milk Cooler Company shall be:

Item and Size	*On sales to consumers*
2-Can Standard Model, ¼ hp	$251
3-Can Standard Model, ⅓ hp	272
4-Can Standard Model, ⅓ hp	301
2-Can Heavy Duty Model ¼ hp	341
3-Can Heavy Duty Model, ⅓ hp	399
4-Can Heavy Duty Model, ⅓ hp	423
2-Can Heavy Duty Deluxe Model, ¼ hp	392
3-Can Heavy Duty Deluxe Model, ⅓ hp	449
4-Can Heavy Duty Deluxe Model, ⅓ hp	473

(f) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(g) A distributor or dealer may add the following charges to the maximum prices established in (d) and (e) above:

1. The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

2. Crating charges actually paid to his supplier, but in no instance exceeding the following:

	Each
For 2-can coolers	$4.00
For 3-can coolers	6.00
For 4-can coolers	6.00

(h) Every person selling a commodity covered by this order, except dealers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice, of the maximum price established by the order for such seller as well as the maximum price established for each purchaser upon resale, including allowable transportation and crating charges.

(i) The Edwards Milk Cooler Company shall stencil on the inside lining of the lid or cover of the milk coolers covered by this order the maximum net prices to consumers established by this order. The stencil shall contain substantially the following:

OPA maximum retail price $_____ plus freight and crating as provided in Revised Order No. 1855 under Maximum Price Regulation No. 188.

(j) Maximum prices for the commodities covered by this revised order previously approved by letters dated August 11 and October 14, 1944, are revoked.

(k) This revised order may be revoked or amended by the Price Administrator at any tme.

This revised order shall become effective March 2, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator

[F R. Doc. 45-3332; Filed, Mar. 1, 1945; 11:39 a. m.]

[MPR 260, Amdt. 1 to Order 371]

GEORGE SECHRIST

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The brand and frontmark of the Ruth Ann Perfectos set forth in paragraph (a) of Order No. 371 under Maximum Price Regulation 260 are amended to read as follows:

Brand	Size or front mark	Packing	Maximum list price	Maximum retail price
George's	Queen Perfecto	50	*Per M* $55	*Cents* 7

This amendment shall become effective March 2, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator

[F R. Doc. 45-3326; Filed, Mar. 1, 1945; 11:37 a. m.]

[MPR 260, Amdt. 1 to Order 517]

ELSIE M. SLENKER & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The maximum prices for the "H. G. Northrop Invincible", the "Richard Carle Invincible", the "Will Carlton Corona" and the "Merp's Blunt Corona" set forth in paragraph (a) of Order No. 517 under Maximum Price Regulation 260 are amended to read as follows:

Brand	Size or front mark	Packing	Maximum list price	Maximum retail price
H. G. Northrop	Invincible	50	*Per M* $64	*Cents* 8
Richard Carle	Invincible	50	64	8
Will Carlton	Corona	50	50	2 for 15
Merp's Blunt	Corona	50	50	2 for 15

This amendment shall become effective March 2, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator

[F R. Doc. 45-3327; Filed, Mar. 1, 1945; 11:38 a. m.]

[MPR 260, Amdt. 1 to Order 519]

BOMBER CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered*, That:

The maximum prices for the "Bomber Silver Wing"—Silver Wing, set forth in paragraph (a) of Order No. 519 under Maximum Price Regulation 260 are amended to read as follows:

Brand	Size or front mark	Packing	Maximum list price	Maximum retail price
Bomber Silver Wing	Silver Wing	50	*Per M* $115	*Cents* 15

This amendment shall become effective March 2, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3328; Filed, Mar. 1, 1945; 11:37 a. m.]

[MPR 260, Amdt. 1 to Order 543]

MURRAY F MITZEL

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260, *It is ordered,* That:

The maximum prices for the "Nefta" Perfecto cigar set forth in paragraph (a) of Order No. 543 under Maximum Price Regulation 260 are amended to read as follows:

Brand	Size or front-mark	Packing	Maximum list price	Maximum retail price
Nefta	Perfecto	50	*Per M* $85	[illegible]

This amendment shall become effective March [illegible]

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3323; Filed, Mar. 1, 1945; 11:37 a. m.]

[MPR 136, Order 415]

WOODEN TEXTILE BOBBINS AND SPOOLS

ORDER PERMITTING ADJUSTABLE PRICING FOR MANUFACTURERS' SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1390.18 (d) of Maximum Price Regulation 136, as amended, *It is ordered:*

(a) Any manufacturer may sell or deliver textile bobbins and spools made principally of wood, and any person may buy or receive any such bobbins and spools, at prices to be adjusted upward in accordance with any action that may hereafter be taken by the Office of Price Administration under Maximum Price Regulation 136, as amended, after such bobbins and spools have been delivered, changing the applicable maximum prices for sales of such items.

(b) Unless and until the Office of Price Administration changes the maximum prices applicable to manufacturers' sales of textile bobbins and spools made principally of wood, no person may pay, and no manufacturer may receive, for such items more than the maximum prices presently established by Maximum Price Regulation 136, as amended, or any order issued under that regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 3, 1945.

Issued March 2, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3365; Filed, Mar. 2, 1945; 10:45 a. m.]

[MPR 188, Order 3416]

CINDER BLOCKS PRODUCED IN WASHINGTON, D. C., METROPOLITAN AREA

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, filed with the Division of the Federal Register, and pursuant to § 1499.161 (a) (2) of Maximum Price Regulation 188; *It is ordered:*

(a) The manufacturers' maximum yard and delivered prices established pursuant to Maximum Price Regulation 188, as amended, for cinder blocks when produced and delivered in the Metropolitan Area of Washington, D. C., more particularly described in paragraph (b) hereof, for the sizes and types of blocks hereinafter set forth shall be as follows:

Size	Maximum price, each	
	Yard price	Delivered price
Hollow:		
4 x 8 x 12	$0.06½	$0.07
6 x 8 x 12	.08	.09
8 x 8 x 12	.10¼	.11½
12 x 8 x 12	.16½	.18
4 x 8 x 16	.09¼	.09¼
8 x 8 x 16	.12¼	.17
8 x 8 x 16 half regular	.08	.09½
8 x 8 x 16 corners	.10¼	.18
8 x 8 x 16 half corners	.06½	.09
8 x 8 x 8	.08	.09
12 x 8 x 16	.23½	.25
4 x 8 x 18	.09½	.10
Solid:		
4 x 8 x 12	.08	.09
8 x 8 x 12	.13¼	.15¼
4 x 8 x 16	.12½	.14
8 x 8 x 16	.22	.24
8 x 3 x 16	.08	.09

(b) The Metropolitan Area of Washington, D. C., as used in this order means the area located within a 12 air-mile radius of the zero milestone, District of Columbia.

(c) The maximum prices specified in paragraph (a) above, are subject to discounts, allowances, and price differentials at least as favorable as those in effect during March 1942 to purchasers of the same class.

(d) All requests of the application not granted herein are denied.

(e) This order may be revoked or amended by the Office of Price Administration at any time.

This Order No. 3415 shall become effective March 3, 1945.

Issued this 2d day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-3367; Filed, Mar. 2, 1945; 10:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[Docket Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23th day of February, A. D. 1945.

In the matters of Federal Water and Gas Corporation and Subsidiary Companies, File No. 54-66; Federal Water and Gas Corporation and Subsidiary Companies, Respondents, File No. 59-61, New York Water Service Company and Federal Water and Gas Corporation, File No. 59-35.

New York Water Service Corporation, a subsidiary of Federal Water and Gas Corporation, a registered holding company, having filed applications and declarations in regard to a plan of recapitalization pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of complying with provisions of section 11 (b) of the act and with the Commission's order dated February 10, 1943 directing New York Water Service Corporation and Federal Water and Gas Corporation to take certain specified steps to comply with the provisions of section 11 (b) and the Commission having by order dated December 23, 1944 directed a hearing on said consolidated matters to be held on January 23, 1945 at the office of the Commission in Philadelphia, Pennsylvania; and said hearing having been postponed by subsequent order of the Commission until March 6, 1945; and

New York Water Service Corporation having requested that the hearings so directed to be reconvened in said consolidated proceedings be postponed to May 1, 1945 or such date thereafter as suits the convenience of the Commission; and

The Commission deeming it appropriate under the circumstances that the request for postponement of the reconvened hearing be granted;

It is ordered, That hearings in this matter previously ordered to be reconvened on March 6, 1945 at 10:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be, and hereby is, postponed to May 8, 1945 at the same hour and before the same trial examiner as heretofore designated.

Notice is hereby given of the postponement of the said hearing to the above named applicants and respondents, to the New York Public Service Commission, to all security holders of New York Water Service Company, and to all other interested persons; said notice to be given to the said applicants and declarants and to the New York Public Service Commission by registered mail, and to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That the time within which any person desiring to be

heard or otherwise wishing to participate in said proceedings shall file his request or application therefor with the Secretary of the Commission as provided by Rule XVII of the Commission's rules of practice be, and the same hereby is, extended to May 1, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3345; Filed, Mar. 2, 1945; 10:05 a. m.]

[File No. 70-683]

ASSOCIATED ELECTRIC CO., AND MISSOURI SOUTHERN PUBLIC SERVICE CO.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February, 1945.

Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Missouri Southern Public Service Company, having filed joint applications-declarations, as amended, pursuant to sections 9 (a) 10, and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed sale by Missouri Southern Public Service Company of all its physical properties to New-Mac Electric Cooperative, Inc., for a base cash consideration of $170,000; the subsequent transfer by Missouri Southern Public Service Company of 40 shares of capital stock of Atlantic Utility Service Corporation and its other then remaining assets, subject to its liabilities, to Associated Electric Company, and the surrender to Missouri Southern Public Service Company of all its capital stock and indebtedness held by Associated Electric Company and the dissolution of Missouri Southern Public Service Company; and

The Commission having by order dated September 4, 1944, granted the applications, as amended, and permitted the declarations, as amended, to become effective, subject to the terms and conditions prescribed in Rule U-24; and the Commission having by subsequent order extended the time within which the transactions may be consummated to March 2, 1945; and

A request having been made that the time within which the transactions as set forth in the applications-declarations, as amended, be further extended; and

The Commission having considered such request and deeming it appropriate that it be granted;

It is ordered, That the conditions contained in said order of September 4, 1944, be, and hereby are, modified to the extent necessary to extend the time within which such transactions may be consummated to May 2, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3346; Filed, Mar. 2, 1945; 10:05 a. m.]

[File No. 70-1027]

GENERAL GAS & ELECTRIC CORP.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February, 1945.

Declaration of dividends out of capital surplus. Declaration by registered holding company pursuant to section 12 (c) and Rule U-46 permitted to become effective with respect to the payment of dividends to prior preferred shareholders out of capital surplus where no prejudice to security holders or public is found.

General Gas & Electric Corporation (hereinafter called Gengas) a registered holding company, which is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (hereinafter called Trustees), a registered holding company, has filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 (the act) in which it proposes to declare out of capital or unearned surplus a dividend for the quarterly period ending March 15, 1945, of $1.25 per share, on its $5 Prior Preferred Stock, no par value.

The entire issue outstanding is 60,000 shares, of which 27,889.1 shares are held by the Trustees, who have, by a letter dated February 9, 1945, waived their right to collect such quarterly dividend, until further order of the Commission. The number of shares in the hands of the public is 32,110.9 (of which 8.9 shares are held in scrip, and such scrip will not receive a dividend), so that $40,127.50 will be required to make the dividend payment.

After appropriate notice a public hearing was held. No one appeared at the hearing to oppose the proposed dividend payment. Having considered the record therein, the Commission makes the following findings:

As at December 31, 1944, the assets of Gengas, per books, available for security holders totalled $28,945,810. The only securities of, or claims against, Gengas which, according to its books, are senior to the $5 Preferred Stock, consist of certain obligations payable to the Trustees. These obligations, including interest thereon, aggregate $3,376,127.

The books of Gengas, as at December 31, 1944, reflect an earned surplus deficit of $3,270,377 the capital surplus is shown as $12,771,440.

Net income of Gengas for the twelve months ended December 31, 1944, amounted to $729,636. As at December 31, 1944, Gengas had cash on hand in the amount of $468,467 and United States Treasury Certificates costing $4,100,000.

A cash forecast for the twelve months ending December 31, 1945, submitted by the company in connection with the filing, indicates that Gengas will be able to meet all its cash requirements, continue to maintain an adequate cash balance, and pursue its present dividend policy. The forecast contemplates that at the end of the period the cash balance, inclusive of the proceeds from the conversion of the United States Treasury Certificates, will aggregate $5,496,132.

This is the thirteenth time that Gengas has filed a declaration to declare a dividend on its publicly held Prior Preferred Stock out of capital surplus. We have on each occasion considered that the assets of Gengas were substantial in relation to the size of the proposed dividend, and that the Prior Preferred Stock is, by its terms, entitled to be paid dividend arrearages in full before dividends can be paid on the other preferred stocks. These same factors are equally cogent with regard to the present declaration.

We make no adverse findings under the applicable [illegible] of the act and rules promulgated [illegible]der.

It Is Therefo that, pursuant to the app provisions of the Public Utility H g Company Act of 1935, the said d ration, as amended, be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3347; Filed, Mar. 2, 1945; 10:05 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, and 4491, as amended, 49 Stat. 1544 (46 U. S. C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

LIFE RAFT

20-person improved type life raft, wood construction reinforced with metal straps and rods (Dwg. No. B-1145, dated 5 September, 1944, revised), constructed by the New Orleans Life Raft Company, New Orleans, La., for the Bell Lumber Co., Bell, California.

Dated: March 1, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-3371; Filed, Mar. 2, 1945; 11:06 a. m.]